

ENTERED

May 15, 2023

Nathan Ochsner, Clerk

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:)	Chapter 11
)	
ENVISION HEALTHCARE CORPORATION, <i>et al.</i> , ¹)	Case No. 23-90342 (CML)
)	
Debtors.)	(Jointly Administered)
)	
)	
)	Re: Docket No. 16

**ORDER (I) AUTHORIZING THE DEBTORS TO
(A) CONTINUE THEIR PREPETITION INSURANCE
COVERAGE AND SATISFY PREPETITION OBLIGATIONS RELATED
THERETO, (B) RENEW, AMEND, SUPPLEMENT, EXTEND, OR PURCHASE
INSURANCE POLICIES, (C) CONTINUE TO PAY BROKERAGE FEES AND
CLAIMS ADMINISTRATION FEES, AND (D) MAINTAIN THE SURETY BOND
PROGRAM AND LETTERS OF CREDIT, AND (II) GRANTING RELATED RELIEF**

Upon the motion (the “Motion”)² of the above-captioned debtors and debtors in possession (collectively, the “Debtors”) for entry of an order (this “Order”) (a) authorizing the Debtors to (i) continue their prepetition insurance coverage and satisfy prepetition obligations related thereto, (ii) renew, amend, supplement, extend, or purchase insurance coverage on a postpetition basis in the ordinary course, (iii) pay prepetition Brokerage Fees and Claims Administration Fees and continue to pay Brokerage Fees and Claims Administration Fees on a postpetition basis in the ordinary course, and (iv) maintain the Surety Bond Program and Letters of Credit, and (b) granting related relief, all as more fully set forth in the Motion; and upon the First Day Declarations; and

¹ A complete list of each of the Debtors in these chapter 11 cases and the last four digits of their federal tax identification numbers may be obtained on the website of the Debtors’ proposed claims and noticing agent at <https://restructuring.ra.kroll.com/Envision>. The Debtors’ service address is 1A Burton Hills Boulevard, Nashville, Tennessee 37215.

² Capitalized terms used but not defined herein have the meanings ascribed to them in the Motion.

this Court having jurisdiction over this matter pursuant to 28 U.S.C. § 1334; and this Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and this Court having found that it may enter a final order consistent with Article III of the United States Constitution; and this Court having found that venue of this proceeding and the Motion in this district is permissible pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that the relief requested in the Motion is in the best interests of the Debtors' estates, their creditors, and other parties in interest; and this Court having found that the Debtors' notice of the Motion and opportunity for a hearing on the Motion were appropriate under the circumstances and no other notice need be provided; and this Court having reviewed the Motion and having heard the statements in support of the relief requested therein at a hearing, if any, before this Court (the "Hearing"); and this Court having determined that the legal and factual bases set forth in the Motion and at the Hearing establish just cause for the relief granted herein; and upon all of the proceedings had before this Court; and after due deliberation and sufficient cause appearing therefor, it is HEREBY ORDERED THAT:

1. The Debtors are authorized to maintain, continue, amend, renew, and/or extend the Insurance Policies, and to purchase new insurance policies in the ordinary course of business, including, but not limited to, the Insurance Policies identified on Exhibit A attached hereto and any related agreements, and to pay any prepetition or postpetition obligations related to the Insurance Policies, including the Premiums and any other costs and fees related thereto in the ordinary course of business.

2. The Debtors are authorized to pay the prepetition Brokerage Fees, ECM RRG Fees, Claim Settlement Fees, Collateral Fees, Claims Administration Fees, and any prepetition amounts due on account of Insurance Policy Audits and to continue to pay the Brokerage Fees, Claims

Administration Fees, ECM RRG Fees, Claim Settlement Fees, Collateral Fees, and any amounts due on account of Insurance Policy Audits on a postpetition basis in the ordinary course.

3. The Debtors are authorized to maintain the Surety Bond Program and Letters of Credit without interruption, including, without limitation, payment of the premiums for the Surety Bonds, Letters of Credit and any other agreements related to thereto, and to pay any prepetition or postpetition obligations related to the Surety Bond Program and Letters of Credit.

4. The Debtors are authorized to renew, amend, supplement, and/or extend the Surety Bonds, including, without limitation, the Surety Bonds identified on Exhibit B attached to the Order, or to purchase new Surety Bonds, and to execute other agreements, such as letters of credit, in connection with the Surety Bond Program; *provided*, however, the Debtors are not authorized by this Order to take any action with respect to a Surety Bond that would have the effect of transforming a prepetition undersecured or unsecured Surety Bond to a postpetition or secured obligation; *provided further* that nothing herein shall prejudice the Debtors' ability to seek such relief by separate motion.

5. The Debtors shall maintain a matrix/schedule of payments made pursuant to this Order, including the following information: (a) the names of the payee; (b) the date and amount of the payment; (c) the category or type of payment, as further described and classified in the Motion. Debtors shall provide a copy of such matrix/schedule to the ABL Agent, the Envision Ad Hoc Group, the U.S. Trustee, and any statutory committee appointed in these chapter 11 cases every 30 days beginning upon entry of this Order.

6. The Debtors will notify the Envision Ad Hoc Group, the U.S. Trustee, and any statutory committee appointed in these cases if Debtors renew, amend, supplement, extend, terminate, replace, increase, or decrease existing insurance and surety coverage or change

insurance or surety carriers, enter into any new premium financing agreements, or obtain additional insurance or surety coverage.

7. Notwithstanding the relief granted herein and any actions taken pursuant to such relief, nothing in this Order shall be deemed (a) an admission as to the amount of, basis for, or validity of any claim against a Debtor entity under the Bankruptcy Code or other applicable nonbankruptcy law, (b) a waiver of the Debtors' or any other party in interest's right to dispute any claim on any grounds, (c) a promise or requirement to pay any claim, (d) an implication or admission that any particular claim is of a type specified or defined in the Motion or any order granting the relief requested in the Motion or a finding that any particular claim is an administrative expense claim or other priority claim, (e) an authorization to assume, adopt, or reject any agreement, contract, or lease pursuant to section 365 of the Bankruptcy Code, (f) an admission as to the validity, priority, enforceability, or perfection of any lien on, security interest in, or other encumbrance on property of the Debtors' estates, (g) a waiver or limitation of the Debtors' or any other party in interest's rights under the Bankruptcy Code or any other applicable law, or (h) a concession by the Debtors that any liens (contractual, common law, statutory, or otherwise) that may be satisfied pursuant to the relief requested in this Motion are valid, and the rights of all parties in interest are expressly reserved to contest the extent, validity, or perfection or seek avoidance of all such liens.

8. The banks and financial institutions on which checks were drawn or electronic payment requests made in payment of the prepetition obligations approved herein are authorized to receive, process, honor, and pay all such checks and electronic payment requests when presented for payment, and all such banks and financial institutions are authorized to rely on the Debtors' designation of any particular check or electronic payment request as approved in this Order.

9. The Debtors are authorized to issue postpetition checks or to effect postpetition fund transfer requests in replacement of any checks or fund transfer requests that are dishonored as a consequence of these chapter 11 cases with respect to prepetition amounts owed in connection with the relief granted herein.

10. Notwithstanding anything to the contrary contained in the Motion or this Order, any payment to be made and any relief or authorization granted hereunder shall be limited by, and shall be subject to, the requirements imposed on the Debtors in any orders entered by this Court authorizing the Debtors' use of cash collateral (any such order, a "Cash Collateral Order"), including for the avoidance of doubt, the cash collateral budget. To the extent of any conflict (but solely to the extent of such conflict) between the terms of this Order and the terms of any Cash Collateral Order, the terms of the Cash Collateral Order will govern.

11. Notwithstanding anything to the contrary in the Motion or this Order, any payments made under this Order that are attributable to the EVPS Debtors (as defined in the Restructuring Support Agreements) shall be satisfied solely by the EVPS Debtors and any payments made under this Order that are attributable to the AMSURG Debtors (as defined in the Restructuring Support Agreements) shall be satisfied solely by the AMSURG Debtors, in each case in the ordinary course of business, consistent with past practice, and in accordance with the shared-services agreement dated April 29, 2022, by and between AmSurg, LLC and Envision Healthcare Corporation, and in accordance with the Cash Collateral Orders and the corresponding cash collateral budgets.

12. The contents of the Motion satisfy the requirements of Bankruptcy Rule 6003(b).

13. Notice of the Motion as provided therein shall be deemed good and sufficient and satisfies the requirements of Bankruptcy Rule 6004(a) and the Bankruptcy Local Rules.

14. Notwithstanding Bankruptcy Rule 6004(h), the terms and conditions of this Order are immediately effective and enforceable upon its entry.

15. The Debtors are authorized to take all reasonable actions necessary to effectuate the relief granted in this Order in accordance with the Motion.

16. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

Signed: May 15, 2023


Christopher Lopez
United States Bankruptcy Judge

Exhibit A**Insurance Policies¹**

<u>Policy Coverage</u>	<u>Insurance Carrier(s)</u>	<u>Policy Number</u>	<u>Policy Term</u>
Primary Directors & Officers (D&O) Liability - \$10M Primary Fiduciary Liability - \$10M	US Specialty Insurance Company	14-MGU-22-A55108	10/01/22 – 01/31/24
First Layer Excess Directors & Officers Liability - \$10M x/o \$10M First Layer Excess Fiduciary Liability - \$10M x/o \$10M	ACE American Insurance Company	G31329231 005	10/01/22 – 01/31/24
Second Layer Excess Directors & Officers Liability - \$10M x/o \$20M Second Layer Excess Fiduciary Liability - \$10M x/o \$20M	Fair American Insurance and Reinsurance Company	MLX-1001346-01	10/01/22 – 01/31/24
Third Layer Excess Directors & Officers Liability - \$10M x/o \$30M	Allianz Global Risks US Insurance Company	USF00220122	10/01/22 – 01/31/24
Fourth Layer Excess Directors & Officers Liability - \$10M x/o \$40M	The North River Insurance Company	575-102679-3	10/01/22 – 01/31/24
Fifth Layer Excess Directors & Officers Liability - \$10M x/o \$50M	Zurich American Insurance Company	DOC 6359975-04	10/01/22 – 01/31/24
Sixth Layer Excess Directors & Officers Liability - \$10M x/o \$60M	Markel American Insurance Company	MKLM1MXM000787	10/01/22 – 01/31/24
Seventh Layer Excess Directors & Officers Liability - \$10M x/o \$70M	Argonaut Insurance Company	MLX 4209479-4	10/01/22 – 01/31/24
Eighth Layer Excess Directors & Officers Liability - \$10M x/o \$80M	Starr Indemnity & Liability Company	1.00062E+12	10/01/22 – 01/31/24
Ninth Layer Excess Directors & Officers Liability - \$10M x/o \$90M	Allied World Specialty Insurance Company	0311-5653	10/01/22 – 01/31/24
Tenth Layer Excess Directors & Officers Liability - \$10M x/o \$100M	US Specialty Insurance Company	14-MGU-22-A55110	10/01/22 – 01/31/24
Eleventh Layer Excess Directors & Officers Liability	ACE American Insurance Company	G31329553 005	10/01/22 – 01/31/24

¹ The Debtors request authority to honor existing Insurance Policies and renew Insurance Policies, as applicable, regardless of whether the Debtors inadvertently failed to include a particular Insurance Policy on this exhibit.

- \$10M x/o \$110M			
Twelfth Layer Excess Directors & Officers Liability - \$5M x/o \$120M	Ironshore Indemnity Inc.	DO6NAB3LTQ003	10/01/22 – 01/31/24
Primary Crime Protection Policy - \$5M	US Specialty Insurance Company	14-MGU-22-A55109	10/01/22 – 01/31/24
First Layer Excess Crime Protection Policy - \$5M x/o \$5M	ACE American Insurance Company	G3132919A 005	10/01/22 – 01/31/24
Second Layer Excess Crime Protection Policy - \$5M x/o \$10M	Zurich American Insurance Company	FID 8667783-04	10/01/22 – 01/31/24
Third Layer Excess Crime Protection Policy - \$5M x/o \$15M	RLI Insurance Company	BND0102723	10/01/22 – 01/31/24
Workers Compensation and Employers Liability Policy	The Charter Oak Fire Insurance Company	UB-9P161854-22-51-H	10/01/22 - 10/01/23
Workers Compensation and Employers Liability Policy	Travelers Property Casualty Company of America	UB-0R011787-22-51-H	10/01/22 - 10/01/23
Commercial Automobile	Travelers Property Casualty Company of America	TC2JCAP-1R571752-TIL-22	10/01/22 - 10/01/23
Excess Healthcare Liability	National Fire & Marine Insurance Company (MedPro)	EN038697	11/01/22 - 10/01/23
Excess Healthcare Liability - 1st xs	Vantage Risk Specialty Insurance Company	P03HC0000027070	11/01/22 - 10/01/23
Excess Healthcare Liability - 2nd xs	National Fire & Marine Insurance Company (MedPro)	EN046884	11/01/22 - 10/01/23
Primary Cyber Liability (\$10M)	Beazley Infosec	FSCE02203607	10/15/22 - 10/15/23
Excess Cyber - \$10M xs \$10M	AXA XL	MTE9039659	10/15/22 - 10/15/23
Excess Cyber - \$10M xs \$20M	CFC	FSCEO2202159	10/15/22 - 10/15/23
Excess Cyber - \$10M xs \$30M	Arch Specialty Insurance Company	NPL0067323-01	10/15/22 - 10/15/23
Excess Cyber - \$10M xs \$40M	<i>Quota Share:</i>		
	Allianz Underwriters Insurance Company - \$5M	U5F00194822	10/15/22 - 10/15/23
	Nationwide Insurance Company - \$5M	XMS2209085	10/15/22 - 10/15/23
Excess Cyber - \$25M xs \$50M	<i>Quota Share:</i>		
	Canopius US Insurance - \$5M	CYT27220098	10/15/22 - 10/15/23
	Landmark American Insurance Company - \$5M	LQS799283	10/15/22 - 10/15/23
	Starr Surplus Lines Insurance Company - \$5M	1000635377221	10/15/22 - 10/15/23
	Westfield Surplus Line	XCO-00019FH-00	10/15/22 -

	Insurance Company - \$10M		10/15/23
Professional Liability Prior Acts Reporting Policy	ProAssurance Specialty Insurance Company, Inc.	ES2573	04/19/23 - 04/19/24
Medical Professional Liability Insurance Claims Made Policy - \$1M/\$3M	MagMutual	PSL 09111995	01/01/23 - 01/01/24
Medical Professional Liability Insurance Claims Made Policy - \$1M/\$3M	MagMutual	PSL 09111996	01/01/23 - 01/01/24
Flood Insurance Policy (Amsurg Center #2178)	American Bankers Insurance Company of Florida	7406055416	01/18/23 - 01/18/24
Special Crime	Hiscox Insurance Co Inc	UKA301835721	09/01/21 - 09/01/24
Commercial Property	<i>Quota Share:</i>		
	Starr Surplus Lines Insurance Company - \$2.25M PO \$25M x Ded	SLSTPTY11653722	06/30/22 - 06/30/23
	AIG Specialty Insurance Company - \$12.5M PO \$50M x Ded	018406494	06/30/22 - 06/30/23
	ACE American Ins Co - \$3.7M PO \$10M x Ded	CX D42312022 003	06/30/22 - 06/30/23
	Helix Underwriting Partners on behalf of Somers Re - \$18.75M PO \$25M x \$25M	MM100F100509AO2022	06/30/22 - 06/30/23
	Chubb BDA - \$50M PO \$50M x \$50M	ENVHLTH01983P02	06/30/22 - 06/30/23
	Allied World Assurance Company (U.S.), Inc. - \$2.5M PO \$25M x Ded	0313-4516-1A	06/30/22 - 06/30/23
	Arch Specialty Ins Co - \$6M PO \$15M x \$10M	ESP1003391-02	06/30/22 - 06/30/23
	Swiss Re - \$2M PO \$25M x Ded	NAP200496600	06/30/22 - 06/30/23
	Lloyds 2987 (Brit Insurance) - \$300K PO \$10M x Ded	PTNAM2207194	06/30/22 - 06/30/23
Commercial Property - CA Earthquake Coverage (\$10M part of \$35M xs of \$10M)	Trisura Specialty Insurance Company	14100486	06/30/22 - 06/30/23
Commercial Property - CA Earthquake Coverage (\$7M part of \$35M xs of \$10M)	General Security Indemnity Co of AZ	TR00014861348622	06/30/22 - 06/30/23
Commercial Property - CA Earthquake Coverage (\$18M part of \$35M xs of \$10M)	Palomar Excess & Surplus Ins Co	PE701973	06/30/22 - 06/30/23
Clinical Research Professional Liability	Allied World Assurance Company	0310-1815	07/01/22 - 07/01/23

Primary Managed Care E&O	Ironshore Specialty Insurance Company	HC7CACAT3R002	07/01/22 - 07/01/23
Terrorism & Sabotage Coverage	Lloyd's Syndicate 2003	CMCTR2104510	06/30/22 - 06/30/23
Professional Liability - Medical Claims Made and Reported \$1M/\$3M	National Fire & Marine Insurance Company (Medpro)	HN059386	03/31/23 - 03/31/24
Professional Liability - Medical Claims Made and Reported \$500K/1.5M	The Medical Protective Company	H006507	03/31/23 - 03/31/24
1st Dollar Professional Liability - New York - \$1.3M/\$3.9M	Healthcare Risk Advisors / TDC Group	HGP-03701-23-00	03/31/23 - 03/31/24
Professional Liability - Claims Made Kansas & Wisconsin - \$1M/\$3M	The Medical Protective Company	G01303	03/31/23 - 03/31/24
Professional and General Liability (All Other States) PL: \$1M/\$3M GL: \$1M/\$3M	Emergency Capital Management RRG, LLC	ECMRRG-ASC-22	10/01/22 - 10/01/23
Professional Liability (Kansas) Claims Made and Reported \$500K/\$1.5M	The Medical Protective Company	H006657	10/01/22 - 10/01/23
Workers Comp	Ohio BWC	80081003	10/01/21 - 10/01/22
Patient Compensation Fund Premium - WI	State of Wisconsin	N/A	07/01/22 - 07/01/23
Patient Compensation Fund Premiums - IN	State of Indiana	N/A	03/31/23 - 03/31/24
Patient Compensation Fund Premiums - PA	State of Pennsylvania	N/A	03/31/23 - 03/31/24
Patient Compensation Fund Premiums - KS	State of Kansas/MedPro	N/A	03/31/23 - 03/31/24
Patient Compensation Fund Premiums - LA EMG	State of Louisiana	N/A	03/31/23 - 03/31/24
Automobile Liability Deductible Reimbursement Policy	EMCA Insurance Company, LTD.	EMCA 2022 - AL	10/01/22 - 10/01/23
Privacy & Security (Cyber) Deductible Reimbursement Policy	EMCA Insurance Company, LTD.	EMCA-CYBER-2022	10/01/22 - 10/01/23
Workers Compensation / Employer's Liability Deductible Reimbursement Policy	EMCA Insurance Company, LTD.	EMCA 2022 - WC	10/01/22 - 10/01/23
Employment Practices Liability	EMCA Insurance Company, LTD.	EMCA-EPLI-2022	10/01/22 - 10/01/23
Property Deductible Reimbursement Policy: Amsurg Centers Only	EMCA Insurance Company, LTD.	EMCA-ASC-PROP-2022	06/30/22 - 06/30/23

Professional and General Liability PL: GL: \$3M/\$5M	\$1M/\$3M	Emergency Management RRG, LLC	Capital ECM RRG 2023	03/31/23 - 03/31/24
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Exhibit B**Surety Bonds**

Policy Coverage	Policy Number	Principal	Obligee	Policy Term
Bond for Sheridan Healthcorp, Inc.	CMS0350529	Sheridan Healthcorp, Inc.	State of Florida, Agency for Health Care Administration	05/22/22 - 05/22/23
Bond for Anesthesiology Associates of Tallahassee	CMS0350531	Anesthesiology Associates of Tallahassee	State of Florida, Agency for Health Care Administration	06/26/22 - 06/26/23
Bond for Anesthesiology Associates of Tallahassee	CMS0350532	Anesthesiology Associates of Tallahassee	State of Florida, Agency for Health Care Administration	06/26/22 - 06/26/23
Bond for Greater Florida Anesthesiologists, LLC	DVHNSU0770886	Greater Florida Anesthesiologists, LLC	State of Florida, Agency for Health Care Administration	07/13/22 - 07/13/23
Bond for Anesthesiology Associates of Tallahassee Inc.	CMS0349704	Anesthesiology Associates of Tallahassee Inc.	State of Florida, Agency for Health Care Administration	07/13/22 - 07/13/23
Bond for Anesthesiologists of Tallahassee, Inc	CMS0349705	Anesthesiologists of Tallahassee, Inc	State of Florida, Agency for Health Care Administration	07/13/22 - 07/13/23
Bond for Anesthesiologists Associates of Tallahassee, Inc.	CMS0349706	Anesthesiologists Associates of Tallahassee, Inc.	State of Florida, Agency for Health Care Administration	07/13/22 - 07/13/23
Bond for Jupiter Anesthesia Assoc, LLC	CMS0350544	Jupiter Anesthesia Assoc, LLC	State of Florida, Agency for Health Care Administration	07/20/22 - 07/20/23
Bond for North Florida Anesthesia Consultants, Inc	CMS0350545	North Florida Anesthesia Consultants, Inc	State of Florida, Agency for Health Care Administration	07/20/22 - 07/20/23
Bond for North Florida Perinatal Associates Inc	CMS0350526	North Florida Perinatal Associates Inc	State of Florida, Agency for Health Care Administration	08/08/22 - 08/08/23
Bond for Greater Florida Anesthesiologists, LLC	CMS0350546	Greater Florida Anesthesiologists, LLC	State of Florida, Agency for Health Care Administration	08/14/22 - 08/14/23
Bond for Greater Florida Anesthesiologists, LLC	CMS0350547	Greater Florida Anesthesiologists, LLC	State of Florida, Agency for Health Care Administration	08/14/22 - 08/14/23
Bond for Greater Florida Anesthesiologists, LLC	CMS0350548	Greater Florida Anesthesiologists, LLC	State of Florida, Agency for Health Care Administration	08/14/22 - 08/14/23
Bond for Sheridan Children's Services of Alabama	CMS0350530	Sheridan Children's Services of Alabama	State of Florida, Agency for Health Care Administration	08/24/22 - 08/24/23
Bond for North Florida Anesthesia Consultants, Inc	CMS0350556	North Florida Anesthesia Consultants, Inc	State of Florida, Agency for Health Care Administration	10/18/22 - 10/18/23
Bond for North Florida Anesthesia Consultants, Inc	N/A	North Florida Anesthesia Consultants, Inc	State of Florida, Agency for Health Care Administration	10/24/22 - 10/24/23

Bond for North Florida Anesthesia Consultants, Inc	N/A	North Florida Anesthesia Consultants, Inc	State of Florida, Agency for Health Care Administration	10/25/22 - 10/25/23
Bond for Sheridan Healthcorp, Inc.	CMS0350562	Sheridan Healthcorp, Inc.	State of Florida, Agency for Health Care Administration	02/01/23 - 02/01/24
Bond for All Women's Healthcare, Inc.	CMA0350568	All Women's Healthcare, Inc.	State of Florida, Agency for Health Care Administration	06/01/23 - 06/01/24
Appeal Bond for Imaging Advantage LLC	CMS0349700	Imaging Advantage LLC	Gordon J. Harris, Ph.D. & Massachusetts General Physicians Organizations, Inc.	06/14/22 - 06/14/23
Bond for REIMBURSEMENT TECHNOLOGIES	0467083	REIMBURSEMENT TECHNOLOGIES	State of Maryland	01/01/23 - continuous until cancelled
Bond for REIMBURSEMENT TECHNOLOGIES INC.	0467082	REIMBURSEMENT TECHNOLOGIES INC.	State of Texas	01/01/23 - continuous until cancelled